

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	2:20-cr-204
v.	:	CHIEF JUDGE MARBLEY
	:	
RICHARD J. RODGERS,	:	
aka "Country,"	:	
	:	
Defendant,	:	
	:	
and	:	
	:	
DONALD E. METHENEY,	:	
	:	
Third-Party Petitioner.	:	

STIPULATED SETTLEMENT AGREEMENT

WHEREAS, on June 15, 2021, the Court entered an Amended Preliminary Order of Forfeiture (Doc. 27) that, among other things, provided for the forfeiture of the following firearm to the United States:

A Sig Sauer P250, 9mm handgun, SN: EAK185340.

AND WHEREAS, the designated agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") notified the United States that this firearm had previously been reported stolen with the Washington County, Ohio Sheriff's Office by Donald E. Metheney. The ATF further advised the United States that the theft victim would like the firearm returned to him at the conclusion of this case.

AND WHEREAS, Donald E. Metheney filed a Seized Asset Claim Form (attached hereto as Exhibit A) with the United States asserting himself as the lawful owner of the Sig Sauer 9mm handgun, bearing Serial Number EAK185340.

NOW THEREFORE, in the interest of fully resolving this matter in all aspects, Plaintiff, the United States of America (“United States”), and Petitioner, Donald E. Metheney (“Petitioner Metheney”), HEREBY STIPULATE and AGREE as follows:

1. The Sig Sauer P250, 9mm handgun, bearing Serial Number EAK185340 (“the subject firearm”), was lawfully seized by authorized law enforcement officers during the investigation in this criminal case.
2. Any violations of 21 U.S.C. § 841 and/or 21 U.S.C. § 846 involving Defendant Richard J. Rodgers occurred without the knowledge and/or consent of Petitioner Metheney. Petitioner Metheney is not guilty of violating any federal law as a result of his interest in the subject firearm.
3. The United States shall release the subject firearm, which is more specifically described as a Sig Sauer P250, 9mm handgun, bearing Serial Number EAK185340, to Petitioner Metheney in full settlement of his claim.
4. Petitioner Metheney agrees to accept the subject firearm in its current, “as is” condition.
5. Petitioner Metheney agrees to release and hold harmless the United States, and any agents, servants, and employees of the United States (or any state or local law enforcement agency) acting in their individual or official capacities, from any and all claims by Petitioner Metheney which currently exist, or which may arise as a result of the United States’ action against the subject firearm.
6. The United States agrees that upon entry of this Court’s acceptance of this Stipulated Settlement Agreement it will advise the designated agent with the ATF, as custodian of the subject firearm, to contact Petitioner Metheney to facilitate the release of the subject firearm.

a. Petitioner Metheney agrees to complete all documents required by the ATF to facilitate the release of the firearm.

b. As of the date of execution of this Stipulated Settlement Agreement, the parties agree that Petitioner Metheney is not prohibited from possessing a firearm. Petitioner Metheney understands that prior to releasing the subject firearm to him, the designated agent with the ATF, or any other authorized federal, state, or local law enforcement agency, will verify this information again. If at that time, Petitioner Metheney is found to be prohibited from possessing a firearm, the parties agree that this Stipulated Settlement Agreement will be void.

7. The parties agree that the terms of this Stipulated Settlement Agreement are contingent upon the Court's approval. Violation of any terms or conditions herein shall be construed as a violation of an Order of this Court.

8. Petitioner Metheney understands that unless specifically directed by an Order of the Court, he shall be excused and relieved from further participation in this action.

9. The parties agree that each shall bear its own costs and attorney's fees. Petitioner Metheney agrees to waive any and all rights he may have to recover attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, the Civil Asset Forfeiture Reform Act (CAFRA), 28 U.S.C. § 2465, or any other legal or statutory basis.

10. This Stipulated Settlement Agreement constitutes the final, complete, and exclusive agreement and understanding between the United States and Petitioner Metheney with respect to the settlement provided herein and supersedes all prior agreements and understandings, if any, whether oral or written. No other document, nor any representation, inducement, agreement, understanding, or promise constitutes any part of this Stipulated Settlement Agreement or the

settlement provided herein, nor shall it be used in construing the terms of this Stipulated Settlement Agreement. For purpose of construction, this Stipulated Settlement Agreement shall be deemed to have been drafted by all parties and shall not, therefore, be construed against any party in any subsequent dispute, including but not limited to any proceeding in which the United States seeks to enforce the terms of this Stipulated Settlement Agreement.

11. The parties agree that the United States District Court for the Southern District of Ohio, Eastern Division shall retain jurisdiction of this action to enforce this settlement.

Date: 8-24-21

Donald metheney
DONALD E. METHENEY
Third-Party Petitioner

VIPAL J. PATEL
Acting United States Attorney

Date: 9-8-2021

Timothy D. Prichard
TIMOTHY D. PRICHARD (0059455)
Assistant United States Attorney
Attorney for Plaintiff

COURT APPROVAL

This Stipulated Settlement Agreement is approved by this Court this 8 day of September, 2021.

Algenon L. Marbley
HONORABLE ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

SEIZED ASSET CLAIM FORMUnited States v. Richard J. Rodgers, aka "Country"Criminal Case No. 2:20-cr-204**PART I: Enter your contact information**Name: Donald metheney JrAddress: [Include Street, City, State and Zip Code] 123 Merchant LnPo Box 608 Newport RI 045768

Telephone Number:

740 350 2366

Email Address: (optional)

Attorney Name: (if applicable)

Attorney Address (if applicable): [Include Street, City, State and Zip Code]

Attorney Telephone Number: (if applicable)

Attorney Email Address: (if applicable)

PART II: List all assets you are claiming

State your interest in each asset listed and explain why you believe the property belongs to you. You may attach documents to support your claim. If claiming more than three assets, continue on a separate page.

1.	Asset ID Number: <u>N/A</u>	Description of Asset: A Sig Sauer P250, 9mm handgun, SN: EAK185340 Interest in Property: <u>Sig Sauer P250, 9mm handgun SN: EAK185340</u> <u>I bought this gun new and it was stolen from my home the person that took it said they did and went to prison for it</u>
2.	Asset ID Number: <u>N/A</u>	Description of Asset: Interest in Property:
3.	Asset ID Number: <u>N/A</u>	Description of Asset: Interest in Property:

PART III: Declaration

I attest and declare under penalty of perjury that my claim is not frivolous and the information provided in support of my claim is true and correct to the best of my knowledge and belief.

Donald metheney

Name Printed

Donald metheney

Signature

8-24-2021

Date

If a court finds that a claimant's assertion of an interest in property was frivolous, the court may impose a civil fine. 18 U.S.C. § 983(h). A false statement or claim may subject a person to prosecution under 18 U.S.C. § 1001.